

CHAPTER 352

H.B. No. 874

AN ACT

relating to the establishment of cemeteries within or near cities.

*Be it enacted by the Legislature of the State of Texas:*

SECTION 1. Section 24, Chapter 340, Acts of the 49th Legislature, 1945 (Article 912a-24, Vernon's Texas Civil Statutes), is amended by adding Subsection (c) to read as follows:

*(c) Notwithstanding subsection (a) of this Section, in any county bordering on the Gulf of Mexico with a population of less than two hundred thousand (200,000) inhabitants, according to the most recent Federal Census, if a person, company, corporation, or association desires to establish or use for burial purposes any graveyard, cemetery, or mausoleum within the corporate limits of a city eighty (80) percent or more of the corporate boundaries of which are contiguous with the corporate boundaries or extraterritorial jurisdiction of one (1) or more other cities, or outside the corporate limits of that city but within the distance proscribed by subsection (a) of this Section according to the city's population, the person or other entity may present a written application to the governing body of the city for authorization to establish or use the graveyard, cemetery, or mausoleum. If the location of the proposed graveyard, cemetery, or mausoleum is within the proscribed distance of more than one city, the person or other entity must present a written application to the governing body of each city. The governing body of a city by ordinance shall set out the information required in an application submitted under this subsection. The governing body of a city may grant the application if it determines the establishment or use of the graveyard, cemetery, or mausoleum does not adversely affect the public health, safety, and welfare. The application must be granted by each city required to receive an application under this Section before the person, company, corporation, or association may establish or use the graveyard, cemetery, or mausoleum. The application authorized by this subsection must be filed not later than August 31, 1989.*

SECTION 2. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the

constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Passed by the House on May 15, 1987, by the following vote: Yeas 144, Nays 0, 1 present, not voting. Passed by the Senate on May 28, 1987, by the following vote: Yeas 30, Nays 0.

Approved June 11, 1987.

Effective June 11, 1987.